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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,084	04/08/2004	Yukio Yanagihara	450100-05020	2208
22852	7590	07/09/2008		
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			EXAMINER ADEGEYE, OLUWASEUN	
			ART UNIT 2621	PAPER NUMBER
			NOTIFICATION DATE 07/09/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Office Action Summary

Application No.

10/822,084

Applicant(s)

YANAGIHARA ET AL.

Examiner

OLUWASEUN A. ADEGEYE

Art Unit

2621

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04/08/2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04/08/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/CDC)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The references listed on the information disclosure statement filed on 12/02/2005 and 05/02/2007 have been considered by the examiner (see attached PTO – 1449).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 – 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harada (US 5,113,441) in view of Linn (US 5,671,008).

As to **claim 1**, Harada discloses a video recording apparatus (see fig. 6) comprising:

a TV signal decoding means for converting an input TV signal based on a predetermined TV system into a predetermined digital video signal (see column 7, lines 39 – 58);

a video encoding means (2) for encoding the digital video signal into a video data stream in a predetermined format(see column 7, lines 39 – 58 and column 7, line 65 – column 8, line 6) ;

a blanking information detecting means (14) for detecting blanking data included in a predetermined horizontal scan period within a vertical blanking time of each frame of the TV signal (see column 9, lines 42 – 47) ; and

Harada discloses encoding the horizontal blanking interval and the vertical blanking interval (see column 7, lines 52 - 58).

However Harada does not disclose a recording means for recording the video data stream to a recording medium;

a controlling means for encoding the detected blanking data for the video data stream, the controlling means inserting null data as blanking data into an arbitrary frame in case the video encoding means has inserted one frame into the video data stream in arbitrary timing correspondingly to the fact that the vertical sync period of the video data stream is shorter than that of the TV signal

Linn discloses a recording means (40) for recording the video data stream to a recording medium (41) (see fig. 4);

a controlling means (20) for encoding the detected blanking data for the video data stream, the controlling means inserting null data as blanking data into an arbitrary frame in case the video encoding means has inserted one frame into the video data stream in arbitrary timing correspondingly to the fact that the vertical sync period of the

video data stream is shorter than that of the TV signal (see column 13, lines 23 – 35 and column 16, lines 10 – 25).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have added the recording means and the controlling means taught by Linn to the apparatus of Harada to provide a telecine system that resolves the frame discrepancy between motion picture film and video signals (see column 10, lines 7 – 9).

As to **claim 2**, Harada in view of Linn discloses the apparatus as set forth in claim 1. However Harada does not disclose wherein the controlling means inserts the null data as blanking data into the frame inserted by the video encoding means.

Linn discloses wherein the controlling means inserts the null data as blanking data into the frame inserted by the video encoding means (see column 13, lines 24 – 56).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have added the recording means and the controlling means taught by Linn to the apparatus of Harada to provide a telecine system that resolves the frame discrepancy between motion picture film and video signals (see column 10, lines 7 – 9).

As to **claim 3**, Harada in view of Linn discloses the apparatus as set forth in claim 2. Hamada discloses wherein: the predetermined TV signal system stipulates that in case two successive frames have identical control codes stated as blanking data

therein, respectively, a control corresponding to the control code should be done only once at the TV signal decoding means (see column 7, lines 39 – 58).

However Hamada does not disclose and in case a frame having been inserted between the two successive frames having the identical control codes inserted therein, respectively, the controlling means inserts the control code as blanking data into the inserted frame and then null data as blanking data into a frame following the inserted frame.

Linn discloses and in case a frame having been inserted between the two successive frames having the identical control codes inserted therein, respectively, the controlling means inserts the control code as blanking data into the inserted frame and then null data as blanking data into a frame following the inserted frame (see column 13, lines 23 – 41).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have added the recording means and the controlling means taught by Linn to the apparatus of Harada to provide a telecine system that resolves the frame discrepancy between motion picture film and video signals (see column 10, lines 7 – 9).

As to **claim 4**, Harada in view of Linn discloses the apparatus as set forth in claim 1. Harada discloses further comprising a TV signal encoding means for converting the digital video signal into a TV signal based on a predetermined TV system and outputting the TV signal resulted from the conversion (see column 7, line 39 – column 8, line 6). However Harada does not disclose the controlling means inserting null data as

blanking data into an arbitrary frame in case the TV signal encoding means inserts one frame into the TV signal in arbitrary timing correspondingly to the fact that the vertical sync period of the output TV signal is shorter than that of the input TV signal.

Linn discloses a controlling means (20) inserting null data as blanking data into an arbitrary frame in case the video encoding means has inserted one frame into the video data stream in arbitrary timing correspondingly to the fact that the vertical sync period of the video data stream is shorter than that of the TV signal (see column 13, lines 23 – 35 and column 16, lines 10 – 25).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have added the recording means and the controlling means taught by Linn to the apparatus of Harada to provide a telecine system that resolves the frame discrepancy between motion picture film and video signals (see column 10, lines 7 – 9).

As to **claims 5 and 6**, grounds for rejecting claims 2 and 3 apply to claims 5 and 6 in its entirety.

As to **claim 7**, this claim is similar to claim 1 only in that the limitation “the controlling means deleting, in case the video encoding means encodes the video data stream with one frame being deleted in arbitrary timing correspondingly to the fact that the vertical sync period of the video data stream is longer than that of the TV signal, one null data from blanking data inserted in a frame following the deleted frame” is additionally recited.

Linn discloses the controlling means deleting, in case the video encoding means encodes the video data stream with one frame being deleted in arbitrary timing correspondingly to the fact that the vertical sync period of the video data stream is longer than that of the TV signal, one null data from blanking data inserted in a frame following the deleted frame (see column 13, lines 23 - 41).

As to **claim 8**, Harada in view of Linn discloses the apparatus as set forth in claim 7. However Harada does not disclose wherein the controlling means deletes the null data that is the blanking data inserted in the frame following the deleted frame and is also nearest to the deleted frame, to thereby slide back, frame by frame, positions including from the deleted frame to the frame having included the null data, each frame having the blanking data inserted therein.

Linn discloses wherein the controlling means deletes the null data that is the blanking data inserted in the frame following the deleted frame and is also nearest to the deleted frame, to thereby slide back, frame by frame, positions including from the deleted frame to the frame having included the null data, each frame having the blanking data inserted therein (see column 13, lines 23 - 41).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have added the recording means and the controlling means taught by Linn to the apparatus of Harada to provide a telecine system that resolves the frame discrepancy between motion picture film and video signals (see column 10, lines 7 - 9).

As to **claim 9**, Harada discloses the apparatus as set forth in claim 7. Harada discloses further comprising a TV signal encoding means for converting the digital video signal into a TV signal based on a predetermined TV system and outputting the TV signal resulted from the conversion (see column 7, lines 39 – 58).

However Harada does not disclose the controlling means deleting one null data from the blanking data inserted in the frame following the deleted frame in case the TV signal encoding means outputs the TV signal with one frame being deleted in arbitrary timing correspondingly to the fact that the vertical sync period of the output TV signal is shorter than that of the input TV signal.

Linn discloses the controlling means deleting one null data from the blanking data inserted in the frame following the deleted frame in case the TV signal encoding means outputs the TV signal with one frame being deleted in arbitrary timing correspondingly to the fact that the vertical sync period of the output TV signal is shorter than that of the input TV signal (see column 13, lines 23 – 41).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have added the recording means and the controlling means taught by Linn to the apparatus of Harada to provide a telecine system that resolves the frame discrepancy between motion picture film and video signals (see column 10, lines 7 – 9).

As to **claim 10**, Harada in view of Linn discloses the apparatus as set forth in claim 9. However Harada does not disclose wherein the controlling means deletes the null data that is the blanking data inserted in the frame following the deleted frame and

is also nearest to the deleted frame, to thereby slide back, frame by frame, positions including from the deleted frame to the frame having included the null data, each frame having the blanking data inserted therein.

Linn discloses wherein the controlling means deletes the null data that is the blanking data inserted in the frame following the deleted frame and is also nearest to the deleted frame, to thereby slide back, frame by frame, positions including from the deleted frame to the frame having included the null data, each frame having the blanking data inserted therein (see column 13, lines 23 – 56).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have added the recording means and the controlling means taught by Linn to the apparatus of Harada to provide a telecine system that resolves the frame discrepancy between motion picture film and video signals (see column 10, lines 7 – 9).

As to **claims 11 – 16**, grounds for rejecting claims 1 - 6 apply to claims 11 - 16 in its entirety.

As to **claims 17 - 20**, grounds for rejecting claims 7 - 10 apply to claims 17 – 20 in its entirety.

As to **claim 21**, grounds for rejecting claim 1 apply to claim 21 in its entirety.

As to **claim 22**, grounds for rejecting claim 7 apply to claim 22 in its entirety.

As to **claim 23**, grounds for rejecting claim 1 apply to claim 23 in its entirety.

As to **claim 24**, grounds for rejecting claim 7 apply to claim 24 in its entirety.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 2002/0191956 A 1 discloses inserting or deleting meaningless data into the video data.

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OLUWASEUN A. ADEGEYE whose telephone number is (571)270-1711. The examiner can normally be reached on Monday - Friday 7:30 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on 571-272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

06/25/2008

/Marsha D. Banks-Harold/

Supervisory Patent Examiner, Art Unit 2621

/O.A/